

*(Also see Chesapeake Bay  
Preservation Ordinance  
Amendment 29-06-118  
adopted on July 31, 2006)*

*ADOPTION OF AN AMENDMENT TO THE  
PUBLIC FACILITIES MANUAL OF THE COUNTY OF FAIRFAX, VIRGINIA*

*At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, July 31, 2006, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to the Public Facilities Manual of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:*

*BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,  
VIRGINIA:*

*Amend the Public Facilities Manual, as follows:*

**Amend PFM 6-1700 (POLICY ON WHAT MAY BE DONE IN CHESAPEAKE BAY PRESERVATION AREAS) Section 6-1701 (General Information) to read as follows:**

**6-1701 General Information**

6-1701.1 Certain areas of the County have been designated Chesapeake Bay Preservation Areas (CBPAs) and divided into Resource Protection Areas (RPAs) and Resource Management Areas (RMAs) that are subject to the criteria and requirements contained in Chapter 118 (Chesapeake Bay Preservation Ordinance) of the Code. RPAs are protected from most development because, left intact, they function to improve and protect water quality. RMAs are regulated to protect RPAs and water resources from degradation resulting from development and land disturbing activity.

6-1701.2 A map of CBPAs has been adopted by the Board. Where RPA and RMA boundaries on the adopted map differ from boundaries as determined on a site-specific basis from the text of Chapter 118 (Chesapeake Bay Preservation Ordinance) of the Code, the text shall govern.

6-1701.3 The site-specific boundaries of the RPA shall be delineated on all preliminary plans, site plans, subdivision plans, grading plans, public improvement plans, record plats, and all other plans of development in accordance with Chapter 118 (Chesapeake Bay Preservation Ordinance) of the Code and subject to the approval of the Director.

6-1701.4 Chapter 118 (Chesapeake Bay Preservation Ordinance) of the Code requires that a reliable, site-specific evaluation shall be conducted to determine whether water bodies on or adjacent to development sites have perennial flow and that RPA boundaries shall be adjusted, as deemed necessary by the Director, on the site, based on this evaluation of the site. The evaluations performed by the Department of Public Works and Environmental Services (DPWES) that are the basis for the perennial streams depicted on the adopted map of CBPAs satisfy this requirement. Water bodies identified as perennial on the adopted map of CBPAs are presumed to be perennial and may only be reclassified as intermittent based on additional studies performed in accordance with this Article and Chapter 118 (Chesapeake Bay Preservation Ordinance) of the Code.

**Amend PFM 6-1700 (POLICY ON WHAT MAY BE DONE IN CHESAPEAKE BAY PRESERVATION AREAS) Section 6-1704 (Guidelines for Determining Locations of Resource Protection Areas and Identifying Water Bodies with Perennial Flow) to read as follows:**

**6-1704 Guidelines for Determining Locations of Resource Protection Areas and Identifying Water Bodies with Perennial Flow.**

6-1704.1 Resource Protection Area (RPA) boundary delineation studies and the identification of water bodies with perennial flow shall be performed by the methods described herein or other acceptable methods as determined by the Director.

6-1704.2 The RPA shall include any land characterized by one or more of the following features:

6-1704.2A A tidal wetland;

6-1704.2B A tidal shore;

6-1704.2C A water body with perennial flow;

6-1704.2D A nontidal wetland connected by surface flow and contiguous to a tidal wetland or water body with perennial flow;

6-1704.2E A buffer area as follows:

6-1704.2F(1) Any land within a major floodplain ["Major floodplain" means those land areas in and adjacent to streams and watercourses subject to continuous or periodic inundation from flood events with a one (1) percent chance of occurrence in any given year (i.e., the 100-year flood frequency event) and having a drainage area equal to or greater than three hundred and sixty (360) acres (146 ha)<sup>1</sup>.];

6-1704.2F(2) Any land within 100 feet (30.5 m)<sup>1</sup> of a feature listed in § 6-1704.2A through § 6-1704.2D. The full buffer area shall be designated as the landward component of the RPA notwithstanding the presence of permitted uses, encroachments, and permitted vegetation clearing.

6-1704.3 Designation of the RPA components listed in § 6-1704.2A through § 6-1704.2D shall not be subject to modification unless based on reliable, site-specific information.

6-1704.4 Water bodies with perennial flow shall be identified using a scientifically valid system of in-field indicators of perennial flow as determined by the Director. Acceptable methods include but are not limited to the perennial stream mapping protocol developed by the Department of Public Works and Environmental Services and methods determined by the Virginia Department of Conservation and Recreation, Division of Chesapeake Bay Local Assistance to be scientifically valid that are acceptable to the Director.

6-1704.4A Water bodies identified as perennial on the adopted map of Chesapeake Bay Preservation Areas are based on field studies conducted by the Department of Public Works and Environmental Services using established protocols and shall only be reclassified as intermittent based on observations of the absence of stream flow during normal or wetter than normal hydrologic conditions.

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<sup>1</sup> The values stated in english units are the standard for regulatory purposes. The values given in parentheses are mathematical conversions to metric units that are provided for information only and are not to be considered standard.

6-1704.4B The weekly drought assessment under the U.S. Drought Monitor (NOAA et al) shall be used to determine the general hydrologic conditions at the time of observation. Observations of the absence of stream flow will not be accepted as definitive proof that a stream is intermittent if the weekly U.S. Drought Monitor classification is D0 (abnormally dry) or drier at any time during a period extending from 20 days prior to the date that the first set of observations required by §6-1704.4D are made through 20 days after the date when the second set of observations required by §6-1704.4D are made.

6-1704.4C Water bodies not identified as perennial on the adopted map of Chesapeake Bay Preservation Areas may only be reclassified as perennial in conjunction with an amendment to the map by the Board of Supervisors.<sup>2</sup>

6-1704.4D Observations of stream flow shall be made in accordance with the following:

6-1704.4D(1) Unless modified by the Director (e.g. if access to offsite properties is denied or the final upstream limit of the perennial stream lies within the property and is greater than 150 feet (38 m) from the downstream property line), observations of stream flow or lack thereof shall be made at intervals of 50 feet (13 m) or less along the stream channel beginning a minimum of 150 feet (38 m) downstream from the property line to a point a minimum of 150 feet (38 m) above the terminus of the perennial stream as depicted on the adopted map of Chesapeake Bay Preservation Areas, at all control sections within the study reach, and at the nearest control section upstream and downstream from the property boundary. A control section is a culvert or other section with a hard bottom where flow would be readily visible.

6-1704.4D(2) Two sets of observations at the above locations must be made a minimum of seven but no longer than thirty days apart.

6-1704.4D(3) Observations shall be made at the true channel bottom which is located below the movable bed material. Where the channel bed is armored, the presence of flow within the armoring layer must be checked.

6-1704.4D(4) The Department of Public Works and Environmental Services (DPWES) shall be advised prior to or within three days of completion of the first set of observations of the property owner's intent to submit an RPA boundary delineation study to reclassify the stream from perennial to intermittent. DPWES will perform a field review as part of the evaluation of the reclassification study. DPWES will coordinate the field review with the 2nd visit to the site by the agent of the landowner whenever possible. Where there are visible pools of water within the channel that do not appear to be moving, dye tracing and tracing techniques in accordance with ASTM or USGS methods, or other methods and techniques, shall be utilized by DPWES to determine if water is flowing from pool to pool.

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<sup>2</sup> Any request to re-evaluate a stream segment for possible reclassification from intermittent to perennial should be made through the Board member in whose district the stream segment is located. The Department of Public Works and Environmental Services will re-evaluate the stream segment and provide a recommendation to the Board member.

6-1704.5 Wetland determinations shall be performed using methods specified by the United States Army Corps of Engineers (USACE).

6-1704.6 RPA boundary delineation studies shall be sealed by a professional engineer, land surveyor, landscape architect, soil scientist, or wetland delineator certified or licensed to practice in the Commonwealth of Virginia. Any work performed by other firms or individuals not under the responsible charge of the licensed professional sealing the study shall be identified and sealed by that individual as appropriate.

6-1704.7 RPA boundary delineation studies shall be submitted on standard-size sheets of 24" x 36" or the metric equivalent at a scale of 1"=50' (1:500) or larger meeting the requirements of § 2-0201.2.

6-1704.8 RPA boundary delineation studies to determine site-specific RPA boundaries shall include the following:

6-1704.8A Cover sheet with project name, County plan identification number, vicinity map, tax map reference, and fee computation;

6-1704.8B A narrative describing how the RPA boundary was established including a discussion of which components listed in § 6-1704.2 determine the RPA boundary and any wetlands shown on the plan that were determined not to be a component of the RPA (i.e. did not meet the requirement of 6-1704.2D).

6-1704.8C Plan sheet(s) with 2 foot (0.5m) contour interval topography showing each individual component of the RPA overlain to create the final RPA boundary, the RPA boundary from the adopted Chesapeake Bay Preservation Area maps, locations of horizontal and vertical control points, and locations of points and transects used in the wetland determination. Topography shall be correlated to a USGS or County benchmark(s), based on NGVD29, which shall be referenced in the plan. Plan sheets shall include a north arrow in accordance with § 2-0212.3.

6-1704.8D Standard USACE data forms used in the wetland determination and any relevant correspondence from the USACE.

6-1704.8E Source of the major floodplain boundary.

6-1704.9 RPA boundary delineation studies to reclassify streams from perennial to intermittent shall include the following:

6-1704.9A Cover sheet with project name, County plan identification number, vicinity map, tax map reference, and fee computation;

6-1704.9B A narrative describing how, when, and where the observations were made, the weather conditions at the time the observations were made, and the study's final conclusion on whether the stream is perennial or intermittent.

6-1704.9C Plan sheet(s) with 2 foot (0.5m) or 5 foot (1.25 m) contour interval topography showing the RPA boundary from the adopted Chesapeake Bay Preservation Area maps, locations of points where observations were made with a key to the photographic documentation provided, the point at which the stream transitions from perennial to intermittent and the revised RPA boundary. Topography shall be correlated to a USGS or County benchmark(s), based on NGVD29, which shall be referenced in the plan. Alternatively, property and topographic information from the County's Geographic Information System may be used. Plan sheets shall include a north arrow in accordance with § 2-0212.3.

6-1704.9D Meteorologic data. Daily precipitation, maximum and minimum temperature, and cloud cover from the nearest National Weather Service weather station for a period of 20 days preceding the date that the first set of observations were made through 20 days after the date when the second set of observations were made. The weekly U.S. Drought Monitor classification for a period of 20 days prior to the date that the first set of observations were made through 20 days after the date when the second set of observations were made. The County may use meteorologic data from local rain gauge stations closer to the site in evaluating the reclassification request.

6-1704.9E Observations of streamflow. The date, time, name of the observer, weather conditions at the time of observation, and photographs looking upstream and downstream documenting each observation. Photographs shall capture the various stream features (e.g. pools, riffles, and runs) along the stream. Photographs of the stream shall be taken close enough to see the channel bed and banks, shall show the channel bottom and any armoring materials, and shall be unobstructed by vegetation. If a clear view cannot be obtained by relocating the point of observation, vegetation may be trimmed to obtain a clear view. Photographs of the channel shall include identifiable stationary landmarks in the field, so that the point of observation can be verified at a later date, if necessary. Identifiable landmarks include survey markers with identification, structural objects such as culverts, bridges, and nearby buildings, or unique natural features. Photographs must have a visible date stamp or certification by the observer of the date the photographs were taken.

*These amendments shall become effective at 12:01 a.m., August 1, 2006.*

*GIVEN under my hand this 31<sup>st</sup> day of August, 2006.*

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NANCY VEHR  
Clerk to the Board of Supervisors